

17028. Adulteration and misbranding of canned cherries. U. S. v. 74½ Cases of Canned Cherries. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24343. I. S. Nos. 028588, 028597. S. No. 2579.)

On December 13, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 74½ cases of canned cherries, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Oregon Canning Co., from Portland, Oreg., on or about October 11, 1929, and transported from the State of Oregon into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Royal Anne Cherries, Park & Tilford Distributors New York Contents 1 Pound 14 Ounces."

It was alleged in the libel that the article was adulterated in that a substance, added sirup, had been mixed and packed with the said article so as to reduce and lower its quality and strength and had been substituted in part for cherries, which the said article purported to be.

Misbranding was alleged for the reason that the statement on the can label, "Cherries," was false and misleading and deceived and misled the purchaser when applied to a product containing added sirup in such an amount as to reduce the drained weight of the cherries to less than 18 ounces, to wit, an average of 15.75 ounces. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, to wit, Cherries.

On April 8, 1930, the Oregon Canning Co., Portland, Oreg., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it be relabeled: "Royal Anne Cherries Packed by Oregon Canning Co., Newberg, Oregon. Slack Filled Contains Excessive Syrup Minimum Contents 14.25 Ounces of Cherries, This Can Should Contain 1 Lb. 2 Oz. of Cherries. Net Contents 1 Lb. 14 Oz."

ARTHUR M. HYDE, *Secretary of Agriculture.*

17029. Adulteration of pecans in shell. U. S. v. 3 Barrels of Pecans in Shell. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24327. I. S. No. 028538. S. No. 2571.)

On December 10, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 3 barrels of pecans in shell, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Luce Packing Co., from Mobile, Ala., on or before January 16, 1929, and transported from the State of Alabama into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Tag) "From Luce Packing Co., Lucedale, Miss."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On January 28, 1930, the Alex Woldert Co. (Inc), Tyler, Tex., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it be sorted to separate the good nuts from the bad and that the rejected nuts be denatured or destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17030. Misbranding of tomato paste. U. S. v. 176 Cases Large-Size Tins, et al., of Tomato Paste. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24405. I. S. No. 021382. S. No. 2657.)

On December 31, 1929, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 176 cases, large-size tins, and 300 cases, small-size tins, of tomato paste at Youngstown, Ohio, alleging that the article had been shipped

by the Davis Canning Co., Laurel, Del., on or about November 6, 1929, and transported from the State of Delaware into the State of Ohio, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Salsa Di Pomodoro Al Basilico Marca Colombina Brand Pure Tomato Paste with Basil * * * Distributed and Guaranteed by Colombina Products Corporation Laurel, Delaware [Cut of red ripe tomatoes]."

It was alleged in the libel that the article was misbranded in that the statement on the labeling of the said article, "Salsa Di Pomodoro Tomato Paste," was false and misleading and deceived and mislead the purchaser when applied to a product containing undeclared artificial color.

On January 21, 1930, R. C. Boylan, Youngstown, Ohio, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the delivery of a personal bond of \$1,000, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17031. Adulteration of rabbits. U. S. v. 3 Barrels, et al., of Rabbits. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 24427, 24432. I. S. Nos. 025505, 025551. S. Nos. 2694, 2697.)

On January 10, 1930, the United States attorney for the Western District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 5 barrels of rabbits at Buffalo, N. Y., alleging that the article had been shipped by Cunningham Bros., Cantril, Iowa, in part on or about December 31, 1929, and in part on or about January 3, 1930, and transported from the State of Iowa into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On February 11, 1930, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17032. Adulteration and misbranding of butter. U. S. v. 50 Cases, et al., of Butter. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 24556, 24557, 24558. I. S. Nos. 03940, 030307, 030303. S. Nos. 2582, 2599, 2610.)

On December 4, 5, and 6, 1929, respectively, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 78 cases of butter, remaining in the original unbroken packages at Philadelphia, Pa., shipped by the Meriden Creamery Co., Kansas City, Mo., alleging that the article had been shipped from Kansas City, Mo., in part on or about August 7, 1929, and in part on or about November 29, 1929, and transported from the State of Missouri into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled, in part: (Carton) "Prairie Rose * * * Creamery Butter * * * The Meriden Creamery Co. Kansas City, U. S. A. Hutchinson, Kansas." The remainder of the said article was labeled in part: (Retail package) "Meadow Farms Butter * * * Distributed By P. E. Sharpless Co. Philadelphia, Pa."

It was alleged in the libels that the article was adulterated in that a substance deficient in butterfat had been substituted wholly or in part for the said article, and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On January 2, 1930, the Meriden Creamery Co., Kansas City, Mo., having appeared as claimant for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of bonds totaling \$1,150, conditioned in part that the product be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*